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Spy Trial Clash Turns on Motives of Emigré

By JUDITH CUMMINGS

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LOS ANGELES, May 11 — The espionage trial of Richard W. Miller reached a peak last week when the prosecutors and defense clashed over the motives of a Russian émigré who testified that Mr. Miller was innocent.

Mr. Miller, the first agent of the Federal Bureau of Investigation ever charged with espionage, is accused of conspiring with the émigré, Svetlana Ogorodnikov, and her husband, Nikolay, to pass classified documents to the K.G.B., the Soviet intelligence agency, for a promised \$85,000 in cash and gold.

Mr. Miller's first trial last year ended when a jury that was heavily for conviction declared itself deadlocked. At times in the two and a half months of the second trial spectators have remarked that the proceedings were like a soap opera, with testimony about an affair between Mr. Miller and Mrs. Ogorodnikov and about Mr. Miller's foibles as an overweight and eccentric F.B.I. agent. Adding to that was testimony by Mrs. Ogorodnikov that another bureau agent, John Hunt, now retired, was also her lover and had taken her to have an abortion.

But by the end of Mrs. Ogorodnikov's testimony, in which she recanted an earlier confession, the trial was linked to the realities of United States-Soviet relations, as the prosecution and defense debated what the future might hold for Mrs. Ogorodnikov as a result of her testimony favorable to Mr. Miller. The debate was confined to the courtroom: a court order bars lawyers and other parties in the trial from making public statements about the case.

Exchange With Soviet Union

Russell Hayman, an assistant United States attorney prosecuting the case, suggested in his cross-examination that Mrs. Ogorodnikov denied that she and Mr. Miller had worked for the K.G.B. in the hope that she might return to her homeland in a future spy swap. Mr. Miller's lawyers, Stanley Greenberg and Joel Levine, said she was not tailoring her testimony.

Mrs. Ogorodnikov had interrupted her own trial last June to plead guilty to espionage in a plea bargain. But near the end of her testimony last week in the Miller trial, in one of several disavowals of that guilty plea, she said the Soviet intelligence knew she had really been trying to help the F.B.I. and therefore she could not return to the Soviet Union.

"I would be shot," she said. "What do you think the Russians are, fools? They know the truth."

A prosecution disclosure during Mrs. Ogorodnikov's testimony appears to have ended in a setback for the defense.

In cross-examining her, the prosecution disclosed that last year, while seeking her plea-bargain agreement, Mrs. Ogorodnikov had said in a statement to the judge that Mr. Miller had passed a classified document.

The prosecution disclosed that she had been permitted to make the admis-

sion privately to Federal District Judge David V. Kenyon because of her expressed fears for her family in Russia.

Mrs. Ogorodnikov testified that her statement to the judge was not true and ended her testimony asserting that she and Mr. Miller were helping the F.B.I. infiltrate Soviet intelligence and had passed no secret information.

No Direct Evidence

The Government has presented no direct evidence that Mr. Miller, a former agent of a counterintelligence unit, passed classified documents. The Government has relied on what it called Mr. Miller's confession, made during five days of questioning by F.B.I. agents after his arrest Oct. 2, 1964. Although he said then that he had passed

classified documents he later disavowed that, saying he had made the statement under the duress of F.B.I. interrogation.

While Mr. Miller has freely admitted having an affair with Mrs. Ogorodnikov, he has asserted that he was trying to use her as a double agent to infiltrate the K.G.B.

Mr. Miller's lawyers have tried to show the jury that Mr. Miller was attempting only to continue a plan that had earlier been tried and scuttled by Mr. Hunt of the F.B.I. of turning Mrs. Ogorodnikov into a double agent.

Mr. Hunt, in his testimony at Mr. Miller's trial, denied trying to make her a double agent or being her lover.